

Mail Stop Interference  
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Paper 1  
Filed: December 23, 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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**Advanced Research and Technology Institute, Inc.**  
Junior Party  
(U.S. Patent Applications 08/948,764, 08/955,572 and 10/027,199).

v.

**Immunex Corporation**  
Senior Party  
(U.S. Patent 7,211,259),

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Patent Interference No. 105,662 (MPT)  
(Technology Center 1600)

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**DECLARATION - Bd.R. 203(b)<sup>1</sup>**

1        **Part A. Declaration of interference**

2        An interference is declared (35 U.S.C. § 135(a)) between the above-  
3        identified parties. Details of the application(s), patent (if any), reissue application

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<sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

(if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

**Part B. Judge managing the interference**

Administrative Patent Judge Michael P. Tierney has been designated to manage the interference. Bd. R. 104(a).

**Part C. Standing order**

A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this interference.

**Part D. Initial conference call**

A telephone conference call to discuss the interference is set for **2:00 p.m.** on **February 10, 2009** (the Board will initiate the call).

No later than four business days prior to the conference call, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

1       **Part E. Identification and order of the parties**

2                       Senior Party

3       Named Inventors: Raymond G. Goodwin, Seattle, WA

4                       Craig A. Smith, Seattle, WA

5       Involved Patent: U.S. Patent No. 7,211,259, issued May 1, 2007, based on  
6                       U.S. Application 08/910,449, filed August 5, 1997.

7       Title:            4-1BB Polypeptides and DNA Encoding 4-1BB  
8                       Polypeptides

9       Assignee:        Immunex Corporation

10  
11                      Junior Party

12       Named Inventor: Byoung Se Kwon, Carmel Indiana

13       Involved Applications:

14            i)        U.S. Application 10/027,199, filed December 20, 2001, entitled  
15                      Receptor and Related Products and Methods;

16            ii)       U.S. Application 08/955,572, filed October 22, 1997, entitled  
17                      Human H-4-1BB Protein;

18            iii)      U.S. Application 08/948,764, filed October 10, 1997, entitled  
19                      Human Receptor H4-1BB Polypeptides and Methods For Use.

20       Assignee: Advanced Research and Technology Institute, Inc.

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22       The senior party is assigned exhibit numbers 1001-1999. The junior party is  
23       assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior  
24       party is responsible for initiating settlement discussions. SO ¶ 126.1.

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<sup>2</sup> ‘572 Claim 31 incorrectly refers to amino acid residues “1186” as opposed to “1-186.”

<sup>3</sup> '764 claim 27 depends from previously cancelled claim 25.

1 The parties are accorded the following benefit for Count 1:

2 Immunex Corporation

3 i) U.S. Application 08/236,918, filed May 6, 1994.

4 ii) U.S. Application 08/060,843, filed **May 7, 1993.**

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6 Advanced Research and Technology Institute Inc.:

7 i) U.S. Application 08/461,652, filed June 5, 1995;

8 ii) U.S. Application 08/122,796, filed **September 16, 1993.**

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### Part G. Heading to be used on papers

The following heading must be used on all papers filed in this interference, see SO ¶ 106.1.1:

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**Advanced Research and Technology Institute, Inc.**

## Junior Party

(U.S. Patent Applications 08/948,764, 08/955,572 and 10/027,199).

**V.**

**Immunex Corporation**

## Senior Party

(U.S. Patent 7,211,259),

Patent Interference No. 105,662 (MPT)  
(Technology Center 1600)

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/Michael P. Tierney/  
Administrative Patent Judge

Barnes & Thornburg, LLP  
11 South Meridian  
Indianapolis, IN 46204

Immunex Corporation  
Law Department  
1201 Amgen Court West  
Seattle, WA 98119

Copy of STANDING ORDER  
Copy U.S. Patent 7,211,259  
Copy of claims of 08/948,764, 08/955,572 and 10/027,199

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